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Attorney for Plaintiff: DR. LUCAS MURREY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
STANLEY MOSK COURTHOUSE

Dr. Stewart Lucas Murrey, an individual;

Plaintiff,

Vs.

Kelly Gibbons a.k.a. Kel Culb Gib, an individual; Liv Burger, an individual; Elly Shariat, an individual; Ainka Wiz, an individual; Anonymous Group Member 1, an individual; Amy Blalock, an individual; Vanessa Valdes, an individual; Lena Vanderford, an individual; Michal Ofek, an individual; Kelyn Rodriguez, an individual; and DOES 1 through 50, inclusive;

Defendants

Case No. 23STCV14890

PLAINTIFF DR. MURREY'S OPPOSITION TO DEFENDANT KELLY GIBBONS' ANTI-SLAPP MOTION TO STRIKE; OR, IN THE ALTERNATIVE, PLAINTIFF'S REQUEST FOR LEAVE TO AMEND BASED ON EVIDENCE SUBMITTED IN OPPOSITION; DECLARATION OF PLAINTIFF DR. MURREY

Date: 1 July 2024

Time: 10:00 a.m.

Dept.: 61

Complaint Filed: 27 June 2023

Hon. Lynne M. Hobbs

PLAINTIFF DR. MURREY'S OPPOSITION TO DEFENDANT MS. GIBBONS' ANTI-SLAPP MOTION TO STRIKE

I. INTRODUCTION

This action is brought against multiple defendants who gang-stalked, harassed, cyberbullied and defamed plaintiff Dr. Murrey for years on Facebook and elsewhere. Plaintiff alleges all the causes against Gibbons named in his complaint, including defamation, false light, invasion of

1 privacy, intentional infliction of emotional distress, and civil conspiracy. Gibbons filed her answer on
2 9 January 2024, but filed her above-noted motion untimely on 24 April 2024 without a declaration.

3 II. STATEMENT OF FACTS

4 Plaintiff has worked hard for decades for his name and reputation. He has a Ph.D from Yale
5 University and his scholarly books and teachings have received praise from world-renown
6 intellectuals (Decl. Dr. Stewart Lucas Murrey ¶¶ 4-5, Exh. “A”). Seeking merely to socialize
7 following COVID19 plaintiff matched with Gibbons on Tinder in January of 2022. Gibbons was not
8 transparent about herself and plaintiff realized Gibbons was a “catfish”,¹ unsuccessful, unhealthy,
9 uneducated, and then blocked Gibbons on his phone to cut off her access to him and moved on with
10 his life peacefully (Decl. Dr. Murrey ¶¶ 6-7, Exh. “B”). Oppositely, Gibbons scornfully “doxed”
11 plaintiff’s private and personal information and started discussions online, for instance, in Facebook
12 forums² to defame and cyberbully him for years (Decl. Dr. Murrey ¶¶ 8-9, Exh. “C”).

15 Obsessively digging for any information about plaintiff, Gibbons relentlessly bumped up her
16 own posts on a weekly basis for years. She deliberately kept the posts active and later claimed that
17 plaintiff was a viral topic, insinuating that he was organically accruing above the average number of
18 comments. Within a year, her posts amassed hundreds of comments solely due to her own dedication
19 to bumping these posts to the top of the forums. This resulted in hundreds of women, 98% of and
20 with whom plaintiff has never met or talked, hunting down information about him to post his
21 whereabouts, private information, and scheming to destroy his public image under the guidance by
22 Gibbons. Plaintiff also would like to point that he has no interest in any of these women, never did,
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26 ¹ Someone who uses highly edited and filtered pictures of herself to deceive others.

27 ² Gibbons knew and aggressively kept said online forums secret from plaintiff and she knew anonymous Facebook
28 admins, if and when plaintiff found out about her conspiracy, would refuse to let him join and exercise his right to free
speech to defend himself. And this is precisely what happened.

1 but has been seeking to uncover this conspiracy against him for years now. If one sees realistic
2 pictures of these women e.g. like Christina Runnels, Page Cone et al. anyone intelligent knows why.

3 Gibbons states that plaintiff **“pressed lawsuits against a number of women to extort**
4 **money from them and was suspected in the murder of his ex[-]wife”** (Decl. Dr. Murrey ¶¶ 10-11,
5 Exh. “D”). These statements are false (Decl. Dr. Murrey ¶ 12). Plaintiff has never extorted anyone,
6 much less committed any other serious crimes like murder (Ibid.) In fact, plaintiff has never been
7 charged, much less convicted of any crime in his entire life (Ibid.).

9 Gibbons repeats her statements that plaintiff engages in **“extortion lawsuits”**; is under
10 **“murder suspicion”** – presumably for murdering his girlfriend who passed from cancer in 2018 –; is
11 guilty of **“fraudulent behavior”**, **“using a false identity”**, **“posing a significant risk of attempting**
12 **to obtain money from other users through deceitful means”**, **“suing a company that catches**
13 **cheaters and the suspicion of murdering his wife?! Dateline vibes”**, is **“obviously a predator”**,
14 *whose Ph.D from Yale University is fraudulent; but who stalked Elly Shariat whose fictional story is*
15 *somehow true*; as well as a slew of other defamatory statements e.g. plaintiff is a **“narcissist”**, **“full-**
16 **blown sociopath”** etc. (Decl. Dr. Murrey ¶¶ 13-14, Exh. “E”). All of these statements are also false
17 (Decl. Dr. Murrey ¶ 15).

19 Weaponizing the above-noted false allegations of murder, extortion, fraud, theft, identity
20 theft, stalking, etc. Gibbons’ Facebook conspiracy with defendants Blalock et al. to defame and harm
21 plaintiff spun out of control (Decl. Dr. Murrey ¶¶ 16-17, Exh. “F”). Under the unwavering
22 persistence of Gibbons, the acts of this group expanded to tracking the plaintiff’s whereabouts,
23 contacting his loved ones, digging up plaintiff’s personal information to put on public display, and
24 conspiring to harm them (see also Decl. Dr. Murrey ¶¶ 8-9, Exh. “C”). Taking these chats offline and
25 in separate private discussions, Gibbons tactically formed the group to humiliate, harass, and dox
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1 Plaintiff after conspiring to damage him and his loved ones. Further, Gibbons led the group to stalk
2 Plaintiff, contact his close friends and family, film him, send out fake reports about him, dig for
3 private information, post his phone number, texts, pictures, more private information and
4 whereabouts, plant seeds of speculation about him, make misstatements about him and let these lies
5 snowball, dox him, and publicly humiliate him to the maximum degree they can possibly attempt
6 (Ibid.). They formed in private, but Gibbons publicly made her intentions clear to cause as much
7 distress as possible. This was witnessed by several people who warned plaintiff who was forced to
8 alert his family and friends, change his parking location, look for trackers on his car, change his work
9 address, change his phone number and email address, and close off to the public world while Gibbons
10 continuously recruited online and made her intentions known in various public forums. Gibbons
11 would come up with anything with which to falsely accuse the plaintiff of crimes and immoral
12 behavior. For instance, Gibbons falsely stated “he unmatched people to make it harder to report him”
13 (Decl. Dr. Murrey ¶¶ 18-19, Exh. “G”) when this is false on its face. One does not have to be
14 matched with anyone to report a person on a dating app (Ibid.). Plaintiff has been successful on
15 dating apps and he frequently unmatched people as is his right (Ibid.). He did not commit any crimes
16 on the apps and therefore, he had no reason to worry about being reported (Ibid.).

20 Gibbons is a fanatical cyberbully who hides behind distorted angles and heavily
21 photoshopped images of herself (Decl. Dr. Murrey ¶¶ 6-7, Exh. “B”) to lurk on Facebook forums
22 such as “Are We Dating the Same Guy” (“AWDSG”) to attack countless individuals, even including
23 one man who is deceased and not able to hurt anyone (Decl. Dr. Murrey ¶¶ 20-21, Exh. “H”).³ For
24 over a year, Gibbons who has psychological disorders and weight issues (Ibid.) made approximately
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27 ³ See also Liv Burger’s heinously savage attack on children and families of men who refuse to have one-night stands with
28 her having glimpsed Burger naked.

1 100 posts about plaintiff while stalking him, many of which she made while drunk (Ibid.): Gibbons
2 who is suspiciously outraged at plaintiff's t-shirt "CIA Approved News" (Ibid.). And finally, Gibbons
3 and the other current defendants and like Valdes and Burger who are going to be sued for unjust
4 enrichment, negligence, gross negligence, etc. and thus brought back into this lawsuit, has
5 maliciously posted Shariat's fictional story on her GoFundMe webpage which Gibbons et al. have
6 been promoted on news media world-wide and incited death threats (Decl. Dr. Murrey ¶¶ 22-23, Exh.
7 "I").
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9 The conduct and conspiracy of Gibbons as to recruiting for and announcing projects to dox
10 him and shed him in false light is not a matter for an anti-SLAPP. Gibbons has not filed a demurrer
11 which would be the proper action to challenge Murrey's claims for matters not related to anti-
12 SLAPP. Defendant took the harassment offline and these matters of harassment, privacy violation,
13 conspiracy are not related to defamation. All causes of defamation, false light, invasion of privacy,
14 intentional infliction of emotional distress, and civil conspiracy are proper.
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16 **III. LEGAL STANDARD**

17 A defendant opposing a defamation case may bring an "anti-SLAPP" special motion to strike
18 any cause of action "arising from any act of that person in furtherance of the person's right of petition
19 or free speech under the United States Constitution or the California Constitution in connection with
20 a public issue..." (Code Civ. Proc., 425.16 subd. (b)(1).) In ruling on an anti-SLAPP motion, a trial
21 court uses a "summary judgement like procedure at any early stage of the litigation." (Varian Medical
22 Systems, Inc. v. Delfino (2005) 35 Cal.4th 180, 192.) This is a two-step process. First, the defendants
23 much show that the acts of which the Plaintiff complains were taken "in furtherance of the
24 [defendant]'s right of petition or free speech under the United States of California constitution in
25 connection with a public issue." (Code Civ. Proc., 425.16 sbud (b)(1).) Next if the defendant carries
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1 that burden, the burden shift to the Plaintiff to demonstrate a probability of prevailing on the claim.
2 (Code Civ. Proc., 425.16 subd. (b)(3).) In making both determinations the trial court considers “the
3 pleadings, and supporting and opposing affidavits stating the facts upon which the liability of defense
4 is based.” (Code Civ. Proc., 425.16 subd. (b)(2); Equilion Enterprises, supra, 29 Cal.4th at p. 67.)

6 IV. ARGUMENT

7 Stating in their GoFundMe, “We are simply coming together to share truthful accounts of our
8 personal experiences”, the GoFundMe page is signed by each defendant and states that Plaintiff
9 stalked Shariat, a woman he never knew existed, to a hotel and harassed her (Decl. Dr. Murrey ¶¶ 22-
10 23, Exh. “I”). Gibbons signed this GoFundMe with her name and shared her link online, urging
11 others to view their story and share (Ibid.) This is one of the many disgusting acts that plaintiff has
12 had to endure by Gibbons. Plaintiff will seek leave to amend his complaint for these acts that
13 occurred after he filed his operative FAC. Gibbons committed defamation by stating that he had
14 committed murder, extortion, fraud, theft, identity theft, was a predator, etc. These statements are
15 false and are in fact liable per se.

17 Gibbons further defamed and shed plaintiff in false light in countless ways, including now by
18 publishing Shariat’s false story on her Facebook and GoFundMe page, signing the page with her
19 name, and promoting it to tabloids world-wide. She misrepresented to others that plaintiff was a viral
20 topic that organically accrued hundreds of responses and does not disclose that it was she who
21 bumped up her own posts for years. Gibbons also posted pictures of plaintiff and videos without his
22 permission, his address, doxed and cyberbullied him, and posted private information about him and
23 his close friends. Gibbons encouraged others to plant comments about him elsewhere to spread
24 misinformation, find his acquaintances and harass them, and plant “seeds of speculation” as she
25 herself aggressively did. Gibbons had no business obsessively tracking and asking for the
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1 whereabouts of someone who had no interest in dating her. Ultimately, Gibbons formed a group to
2 dox plaintiff by way of producing films and documentaries that would further plant said “seeds of
3 speculation”. Defendant guided others on how to harass him, telling them to take pictures and
4 screenshots, spread them around in secrecy in furtherance of the conspiracy to defame, and let these
5 seeds of speculation “snowball”. She took this project offline but announced it, frequently, to get a
6 mass of people to know that he was a subject of such project. This led to what Gibbons wanted for
7 plaintiff: revenge, death threats, shame, and harassment. These acts intended to cause and did cause
8 plaintiff to suffer severe emotional distress.

10 **A. DEFAMATION AND FALSE LIGHT**

11 The elements of defamation are: (1) a false statement purporting to be fact (2) publication or
12 communication of that statement to a third person (3) fault amounting to at least negligence (4)
13 damages or some harm caused to the reputation of the person. Plaintiff claims that Gibbons violated
14 his right to privacy by false light as well. The elements this claim are (1) that defendant publicly
15 disclosed information or material that showed in a false light (2) that the false light created by the
16 disclosure would be highly offensive to a reasonable person (3) that the defendant knew the
17 disclosure would create a false impression about plaintiff or acted with reckless disregard for the truth
18 (Gibbons was negligent in determining the truth of the information or whether a false impression
19 would be created by its disclosure) (4) that plaintiff was harmed.

22 Gibbons stated that plaintiff was “extorting or trying to extort money from multiple different
23 sources.” (Decl. Dr. Murrey ¶¶ 10-14, Exh. “D”-“E”). She stated multiple times that he was
24 “suspected in the murder of his ex wife” (Ibid.), writing that she would start a documentary to
25 “investigate the murder since he clearly didn’t go to jail about it” (Ibid. See also ¶¶ 16-17, Exh. “F”).
26 Posting, “he is obviously a predator... he is an overt narcissist, so caution is necessary,” she makes
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multiple unfounded diagnoses of narcissism and sociopathy, stating “he’s a sociopath” and tells others “he unmatched people to make it harder to report him.” (Decl. Dr. Murrey ¶¶ 10-19, Exh. “D”, “E” and “G”) This is all false on their face. One does not have to be matched with anyone to report a person on a dating app (Ibid.). Plaintiff was successful on dating apps and he frequently unmatched people as is his right (Ibid.). He did not commit any crimes on the apps and therefore, he had no reason to worry about being reported (Ibid.). Plaintiff has never had a charge or conviction of extortion or any other crimes (Decl. Dr. Murrey). He has never obtained money by extortion from any single source (Ibid.). And he has never been married and never been charged or convicted of murder (Ibid.). Plaintiff has no such medical diagnosis of narcissism or sociopathy, and these descriptions are unfounded (Ibid.). He is not a criminal and does not belong in jail (Ibid.) Gibbons made close to a hundred posts in various online threads wherein she made countless grotesquely incorrect statements that are all false, highly offensive, and unprivileged statements of fact that harmed plaintiff.

B. INVASION OF PRIVACY

Doxing is one of the most extreme forms of privacy invasion and causes significant distress and anxiety for the individuals affected. California Penal Code § 653.2 PC makes it a crime to send electronic communications (such as emails or text messages) intending to place the recipients in reasonable fear for their safety or that of their immediate family. a) Every person who, with intent to place another person in reasonable fear for his or her safety, or the safety of the other person’s immediate family, by means of an electronic communication device, and without consent of the other person, and for the purpose of imminently causing that other person unwanted physical contact, injury, or harassment, by a third party, electronically distributes, publishes, e-mails, hyperlinks, or makes available for downloading, personal identifying information, including, but not limited to, a

1 digital image of another person, or an electronic message of a harassing nature about another person,
2 which would be likely to incite or produce that unlawful action. Indirect electronic harassment is
3 distinct from “direct electronic harassment” or cyberstalking under Penal Code 646.9 PC. With
4 indirect electronic harassment under PC 653.2, the defendant only needs to post information on the
5 internet that will encourage other people to harass/stalk the victim.
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7 Gibbons posted pictures and videos of plaintiff, posted life and background information about
8 anyone she could find in his life, made many references to a places that he frequents, social media
9 pages, books and projects, text messages, and asked others for his whereabouts while calling him a
10 narcissist and a “full blown sociopath”, alleging murder and extortion. Keeping her discussions about
11 plaintiff from being naturally buried over time, she accrued hundreds of responses who were alarmed
12 by Gibbon’s allegations. She successfully formed a group that joined in to disparage plaintiff with
13 many false allegations and post his phone number, email address, other places he frequents, and any
14 information she can find. Urging others to post screenshots of her statements and let speculations
15 snowball, Gibbons clearly intended to persuade other people to behave in a way that could seriously
16 alarm or annoy plaintiff. From there, Gibbons deliberately made the plan to dox plaintiff through
17 documentaries to “plant seeds of speculation” regarding a “murder investigation”. There was never
18 any murder investigation, no ex-wife, nor any murder; Gibbons gathered a group of women to start
19 these projects to outright harm plaintiff. Eventually, plaintiff received many death threats through
20 Gibbons concerted efforts to get a mob to harass Murrey.
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23 Especially for someone who is not a subject of romantic pursuit or of any interest to plaintiff
24 and none of the defendants have reason to track or stalk plaintiff. His private whereabouts and
25 information along with those of his loved ones are not matters of public concern and following him
26 directly violate stalking statutes. California’s stalking statute, Penal Code 646.9, states that it is a
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1 crime to willfully, maliciously, and repeatedly follow or willfully and maliciously harass another
2 person and make a credible threat with the intent to place that person in reasonable fear for his or her
3 safety, or the safety of his or her immediate family.

4 Defendants planned to misappropriate plaintiff's name and likeness by filming him for
5 commercial purposes such as creating a documentary. Misappropriation of a person's name or
6 likeness is the unwarranted unauthorized publication of that person's name, photograph or likeness
7 that causes an injury. Hence, the elements of cause of action for tort of misappropriation of a person's
8 name or likeness are (Eastwood v Superior Court (1983) 149 CA3d 409, 417, 198 CR 342) (1)
9 Appropriation of a person's name or likeness; (2) to the defendant's advantage, commercially or
10 otherwise; (3) without the plaintiff's consent; and (4) causing injury to the plaintiff. "The right of
11 privacy is the right to be left alone. It is a fundamental and compelling interest." (*Am. Airlines, Inc. v.*
12 *Super. Ct.* (2003) 114 Cal.App.4th 881, 893) A party asserting a right to privacy must establish three
13 elements: (1) a legally protected privacy interest, (2) an objectively reasonable expectation of privacy
14 in the given circumstances, and (3) a threatened intrusion that is serious (*Williams v. Super. Ct.*
15 (2017) 3 Cal.5th. 531, 552 citing *Hill v. National Collegiate Athletic Assn.* (1994) 7 Cal.4th 1, 35-40).

16 Plaintiff's private life both inside and outside of dating is legally protected and has nothing to
17 do with matters of public interest. Neither are varieties of his private details and activities with
18 friends that have nothing to do with any related public concern about dating. Plaintiff has a
19 fundamental right to live without people tracking his whereabouts and gathering unrelated
20 information. These intrusions are serious because they were publicly made known and to various
21 private people who intentionally caused distress. Plaintiff has had friends and family contact him,
22 anxiety-ridden about being followed, stating to him that Ofek, Gibbons, Lena Vanderford, and Burger
23 were hunting them down to harass and film them.
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1 Invasion of privacy is the unjustifiable intrusion into the personal life of another without
2 consent. Intrusion upon seclusion or intrusion of solitude laws protects the right to privacy while in
3 solitude or seclusion. This right extends private affairs. There are three main elements for intrusion
4 upon seclusion: (1) An intentional intrusion occurred in a place where a person had a reasonable
5 expectation of privacy, (2) A reasonable person would have found the intrusion highly offensive, and
6 (3) The defendant's actions were a substantial factor in causing the plaintiff harm. The scope of the
7 tort even extends to unwarranted eavesdropping, wiretapping, and visual or photographic spying.
8 Relevant statutory law applicable in such cases is found in Restatement (Second) of Torts Sec. 652 B
9 (1977): "[O]ne who intentionally intrudes, physically or otherwise, upon the solitude or seclusion of
10 another or his private affairs or concerns, is subject to liability to the other for invasion of his privacy,
11 if the intrusion would be highly offensive to a reasonable person." Doxing (sometimes written as
12 Doxxing) is the act of revealing identifying information about someone online, such as their real
13 name, home address, workplace, phone, financial, and other personal information. Information is then
14 circulated to the public - without the victim's permission. Under penal code 653.2, doxxing is the act
15 of releasing personal identifying information about another person with the intent of causing that
16 person unwanted injury or harassment.
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20 **C. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

21 Gibbons blatantly stated that Murrey did not go to jail for any conviction of murder but
22 announced a scheme to plant seeds of speculation. Referring to person's name who died of metastatic
23 breast cancer that spread to liver, Gibbons continuously referred to plaintiff as a murder suspect.
24 After witnessing the tragic effects of cancer on his girlfriend for whom plaintiff cared and loved, it is
25 heinously savage for Gibbons who plaintiff never met and never wanted to meet to accuse him of
26 murder and post and share defendant Sharait's false story about being stalked on her GoFundMe
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1 webpage and with international news media – while Gibbons simultaneously recruited and asked
2 others to stalk plaintiff, making it clear that Gibbons intends to destroy plaintiff’s life by such
3 nefarious plans. This conduct is extreme and outrageous and was acted upon intentionally with
4 reckless regard. Drunkenly or not, Gibbons was a catalyst for the intense emotional distress that
5 plaintiff suffered from being doxed, harassed, and defamed. The tort of intentional infliction of
6 emotional distress has four elements: (1) The defendant must act intentionally or recklessly. (2) The
7 defendant's conduct must be extreme and outrageous. (3) The conduct must be the cause of severe
8 emotional distress. (4) The plaintiff must suffer severe emotional distress.

10 Gibbons, Burger, et al. were scorned and obsessively pandered for information about plaintiff.
11 They announced and encouraged projects to smear and dox him in films and documentaries. These
12 projects were announced publicly. Even after sending Gibbons a notice that plaintiff will seek legal
13 remedies, she continued to conspire and stalk him, accusing him of murder, etc. Plaintiff’s notice was
14 even announced to the group and yet they continued, knowing that their acts of stalking were
15 distressing him. After this group published plaintiff’s address, he was even forced to move. After a
16 year of digging for his whereabouts, many women joined in to publish his phone number and email
17 address which he had to change. These defendants joined in on publishing his full name, street of
18 residence/work, phone number, email address, workplace details, private information, and other
19 personal information (Decl. of Dr. Murrey ¶¶ 8-9, Exh. “C”).

22 Detailed under California Penal Code 653.2 (PC), electronic cyber harassment is defined as a
23 crime when one shares an individual’s private data to encourage someone else to harass or stalk them.
24 The above-mentioned details fall under such personal information. While often performed as a form
25 of harassment, 653.2 (PC) differs from online stalking, charged under 646.9 (PC), because instead of
26 harassing or stalking the person themselves, the defendant expects someone else to do the stalking or
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1 harassing. The elements of electronic cyber harassment are that the defendant (1) shared the personal
2 information of someone else (2) without their consent (3) with the intent to cause that person to
3 reasonably fear for their safety or the safety of their family (4) for the purpose of causing them
4 unwanted physical contact, injury, or harassment (5) knew the information would likely result in
5 someone following through with the unwanted physical contact, injury, or harassment.
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7 No actual harassment must occur for the defendant to be found guilty of electronic cyber
8 harassment. Instead, the intent of the person who posted the material is what matters. This group
9 alleged Murrey committed murder and in Gibbon's own words, the group was formed to "investigate
10 the murder" and "plant seeds of speculation", misrepresenting the group and letting the harassment
11 "snowball from there". Even though this is definition of cyberbullying, Gibbons et al. planted seeds
12 online in many posts to incite harassment for the group that formed, suggesting that someone "gets
13 him". This matter must be brought to a jury. Such harassment occurred abundantly. This has directly
14 caused death threats and public harassment. Murrey has had to restructure his daily routine and avoid
15 most of the public. These acts are direct causes of death-threats and Murrey has been in fear for his
16 life. He has suffered from severe distress because of this gang-stalking and blatant acts of those who
17 joined this project to follow plaintiff and dox him. Doxing is one of the most extreme forms of
18 privacy invasion and causes significant distress and anxiety for the individuals affected. Exposing
19 sensitive information through doxing can also put victims at risk of, or responding to injury from,
20 identity theft, harassment, stalking, physical harm, and even death.
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23 This act of harassment and all privacy violations rise to the actionable levels of intentional
24 infliction of emotional distress because they were criminal, intentional, extreme, and caused plaintiff
25 distress. Gibbons does not pass the first prong for intentional infliction of emotional distress on half
26 the many acts, and this is not a matter for an anti-SLAPP motion. Due to the need to conduct
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1 depositions, plaintiff cannot provide all exhibits. There is no demurrer on file and Gibbon's motion to
2 strike for intentional infliction of emotional distress should be denied.

3 **D. CONSPIRACY**

4 The elements of a conspiracy under California criminal law are: (1) the defendant agreed with
5 another person, or persons, to commit a crime, (2) one of the parties to the agreement took an overt
6 act to further or advance that agreement, and (3) the overt act was committed in California. Plaintiff
7 alleges that Gibbons and defendants formed a group to dox and harass him, invade his privacy, and
8 cause distress (Dec. Dr. Murrey ¶¶ 16-17, Exh. "F"). Plaintiff alleges that Gibbons intended to stalk
9 him until harm befell him, announced this intention on public forums, and acted upon it (Ibid.).
10 Although intentions were published to the public, this cause is not tied to defamation nor any act of
11 communication in a public setting and an anti-SLAPP motion is not proper for this cause. Gibbons
12 does not meet the first prong for an anti-SLAPP motion. She has no demurrer filed and Plaintiff's
13 allegations are relevant to the cause of action. Gibbon's Anti-SLAPP must be denied and all matters
14 must be tried.

15 **V. GIBBONS' MOTION TO STRIKE WITH ANTI-SLAPP FAILS TO MEET IT'S** 16 **FIRST PRONG FOR CONSPIRACY, INFLICTION OF DISTRESS, AND PORTIONS OF** 17 **INVASION OF PRIVACY**

18 Gibbon's motion not only fails to meet the first prong, it is overly broad as a whole. Where a
19 motion to strike is so broad as to include relevant matters, the motion to strike must be denied in its
20 entirety (*Triodyne, Inc. v Superior Court for Los Angeles County* (1966) 240 Cal.App.2d 536, 542-
21 43, citing *Hill v. Wrather* (1958) 158 Cal.App.2d 818, 823 (emphasis added)). The court should never
22 strike out any matter that will leave the complaint defective such that it leads to a dismissal of an
23 action (*Allerton v. King* (1929) 96 Cal.App. 230, 234 (emphasis added)). Plaintiff must be allowed to
24 withhold exhibits until depositions and trial. He has sufficiently provided evidence here in and the
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1 supporting argument for the causes against Gibbons. Gibbons does not provide any supporting
2 argument nor is she clear on how some of the causes are matters of anti-SLAPP protection. This
3 makes it difficult to rebut because Gibbons offers no explanation. Plaintiff brings questions of fact
4 outside of Anti-SLAPP protection that must be tried in front of a jury.

5 6 IX. IN THE ALTERNATIVE

7 Because Gibbons' motion fails and is overly broad, it should be denied. In the alternative of
8 granting any part of her motion which is not supported, plaintiff requests the court to grant him leave
9 to amend his operative complaint based upon evidence submitted via his declaration.

10 VI. CONCLUSION

11 Defendant's special anti-SLAPP motion to strike is improper, filed late without a declaration,
12 it is overly broad, and attempts to sidestep all causes beyond those of defamation named by plaintiff.
13 Gibbons undeniably caused harm by defamation, false light, invasion of privacy, emotional distress
14 and conspiracy. These are matters to be tried by a jury. Gibbons' motion should thus be denied in
15 entirety and attorney fees and costs awarded to plaintiff Dr. Murrey following a fee motion pursuant
16 to CCP § 425.16(c).
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18
19 Dated: 17 June 2024

Law Offices of Alexander J. Petale

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21 By: 

Alexander J. Petale, Esq., for
22 Plaintiff Dr. Lucas Murrey
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